

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON TRANSPORTATION**

**Call to Order:** By **VICE CHAIRMAN RICK JORE**, on February 8, 1999  
at 3:00 P.M., in Room 420 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Shiell Anderson, Chairman (R)  
Rep. Gary Beck, Vice Chairman (D)  
Rep. Rick Jore, Vice Chairman (R)  
Rep. Darrel Adams (R)  
Rep. Joe Barnett (R)  
Rep. Sylvia Bookout-Reinicke (R)  
Rep. Matt Brainard (R)  
Rep. Paul Clark (D)  
Rep. Robert C. Clark (R)  
Rep. Steven Gallus (D)  
Rep. George Golie (D)  
Rep. Marian Hanson (R)  
Rep. Donald L. Hedges (R)  
Rep. Carol C. Juneau (D)  
Rep. Gary Matthews (D)  
Rep. Frank Smith (D)  
Rep. Roger Somerville (R)  
Rep. Cliff Trexler (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Leanne Kurtz, Legislative Branch  
Mary Lou Schmitz, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 356; HB 329; 2/4/99  
Executive Action: HB 259, TABLED; HB 377,  
TABLED; HB 352, DPAA;

**HEARING ON HB 356**

**Sponsor:** Rep. Kim Gillan, HD 11, Billings, **EXHIBIT(trh31a01)**.  
***{Tape : 1; Side : A; Approx. Time Counter : 0.6 - 7.4}***

**Proponents:** Brenda Nordlund, Attorney, Motor Vehicle Division,  
Department of Justice.  
***{Tape : 1; Side : A; Approx. Time Counter : 7.4 - 8.5}***

Tom Daubert, Montana Traffic Education Association, Helena.  
***{Tape : 1; Side : A; Approx. Time Counter : 8.5 - 9.5}***

Tom Harrison, AAA of Montana, Helena.  
***{Tape : 1; Side : A; Approx. Time Counter : 9.5 - 10.5}***

Dean Roberts, American Association of Motor Vehicle  
Administrators.  
***{Tape : 1; Side : A; Approx. Time Counter : 10.7 - 14.9}***

Mark Taylor, Anheuser-Busch Companies. **EXHIBIT(trh31a02)**  
**EXHIBIT(trh31a03)**  
***{Tape : 1; Side : A; Approx. Time Counter : 14.9 - 16.2}***

Gail Gray, OPI, Helena.  
***{Tape : 1; Side : A; Approx. Time Counter : 16.2 - 17.3}***

Steve Yeakel, Executive Director, Montana Council for Maternal  
and Child Health.  
***{Tape : 1; Side : A; Approx. Time Counter : 17.3 - 19.2}***

Lois Fitzpatrick, Helena. **EXHIBIT(trh31a04)**  
***{Tape : 1; Side : A; Approx. Time Counter : 19.2 - 20.5}***

Christy Blaser, Montana Beer and Wine Wholesale Association.  
***{Tape : 1; Side : A; Approx. Time Counter : 20.5 - 21.6}***

**Opponents:** None

**Questions from Committee Members and Responses:** Rep. Hedeges to  
Rep. Gillan.  
***{Tape : 1; Side : A; Approx. Time Counter : 21.6 - 23.7}***

Rep. Brainard to Steve Yeakel.  
***{Tape : 1; Side : A; Approx. Time Counter : 23.7 - 25.9}***

Rep. Somerville to Brenda Nordlund.  
***{Tape : 1; Side : A; Approx. Time Counter : 25.9 - 27.7}***

Rep. Paul Clark to Brenda Nordlund and Rep. Gillan.

**{Tape : 1; Side : A; Approx. Time Counter : 27.7 - 31.1}**

Rep. Hedges to Gail Gray.

**{Tape : 1; Side : A; Approx. Time Counter : 31.1 - 32.4}**

Rep. Hanson to Rep. Gillan.

**{Tape : 1; Side : A; Approx. Time Counter : 32.4 - 33.4}**

Rep. Adams to Christy Blaser.

**{Tape : 1; Side : A; Approx. Time Counter : 33.4 - 35.0}**

Rep. Brainard to Rep. Gillan.

**{Tape : 1; Side : A; Approx. Time Counter : 35 - 37.4}**

Rep. Somerville to Rep. Gillan.

**{Tape : 1; Side : A; Approx. Time Counter : 37.4 - 39.0}**

Rep. Juneau to Rep. Gillan and Dean Roberts.

**{Tape : 1; Side : A; Approx. Time Counter : 39 - 41.8}**

Rep. Gallus to Rep. Gillan.

**{Tape : 1; Side : A; Approx. Time Counter : 41.8 - 42.8}**

Rep. Somerville to Col. Reap.

**{Tape : 1; Side : A; Approx. Time Counter : 42.8 - 44}**

Rep. Jore to Col. Reap.

**{Tape : 1; Side : A; Approx. Time Counter : 44 - 44.8}**

**{Tape : 2; Side : A; Approx. Time Counter : 0.1 - 1.6}**

*Tape 1, Side B would not record.*

**Closing by Sponsor:** Rep. Gillan closed the Hearing on HB 356.

**{Tape : 2; Side : A; Approx. Time Counter : 1.6 - 2.4}**

#### **HEARING ON HB 329**

**Sponsor:** Rep. Robert Clark, HD 8. **EXHIBIT**(trh31a05)

**EXHIBIT**(trh31a06) **EXHIBIT**(trh31a07) **EXHIBIT**(trh31a08)

**EXHIBIT**(trh31a09)

**{Tape : 2; Side : A; Approx. Time Counter : 3.6 - 8.5}**

**Proponents:** Pat Saindon, Planning Administrator, Department of Transportation.

**{Tape : 2; Side : A; Approx. Time Counter : 8.5 - 11}**

Col. Craig Reap, Chief, Montana Highway Patrol. **EXHIBIT**(trh31a10)

**{Tape : 2; Side : A; Approx. Time Counter : 11 - 15}**

Susan Nickson, Manager, Montana Safety Council. Read Testimony from Exhibit 9.

**{Tape : 2; Side : A; Approx. Time Counter : 15 - 18.2}**

Bill Dove, Police Officer, City of Bozeman, Representing Montana Police Protective Association.

**{Tape : 2; Side : A; Approx. Time Counter : 18.2 - 18.8}**

Dick Paulsen, Assistant Director, Healthy Mothers, Healthy Babies.

**{Tape : 2; Side : A; Approx. Time Counter : 18.8 - 20.5}**

Lonie Hutchison, Missoula Health Department. Read letter from Wendy Allen and showed pictures.

**{Tape : 2; Side : A; Approx. Time Counter : 20.5 - 26.7}**

Mike Spence, Helena Citizen.

**{Tape : 2; Side : A; Approx. Time Counter : 26.7 - 29.2}**

Marian Hanson, HD 1.

**{Tape : 2; Side : A; Approx. Time Counter : 29.2 - 30.1}**

Jerry Loendorf, Montana Medical Association.

**{Tape : 2; Side : A; Approx. Time Counter : 30.1 - 32.9}**

Steve Yeakel, Executive Director, Montana Children's Alliance.

**{Tape : 2; Side : A; Approx. Time Counter : 32.9 - 33.7}**

Drew Dawson, Chief of the Health Systems Bureau, Montana Department of Public Health and Human Services. **EXHIBIT**(trh31a11)

**{Tape : 2; Side : A; Approx. Time Counter : 33.7 - 37.1}**

Ms. Hutchison read a letter from the Missoula County Sheriff's Department.

**{Tape : 2; Side : A; Approx. Time Counter : 37.1 - 37.7}**

Rep. Roger Somerville, HD 78.

**{Tape : 2; Side : A; Approx. Time Counter : 37.7 - 38.1}**

Rep. Gary Beck, HD 56.

**{Tape : 2; Side : A; Approx. Time Counter : 38.1 - 39.4}**

**Opponents:** Steve White, Bozeman, **EXHIBIT**(trh31a12)  
**EXHIBIT**(trh31a13)

**{Tape : 2; Side : A; Approx. Time Counter : 39.4 - 44.7}**

**{Tape : 2; Side : B; Approx. Time Counter : 0.1 - 2.7}**

Jason Adams, Columbia Falls.

*{Tape : 2; Side : B; Approx. Time Counter : 2.7 - 3.4}*

**Informational Witnesses:** Chonacelle Shapel, St. Ignatius.

*{Tape : 2; Side : B; Approx. Time Counter : 3.4 - 4.6}*

Al Goke, Chief, Traffic Safety Division, Department of Transportation.

*{Tape : 2; Side : B; Approx. Time Counter : 4.6 - 5}*

**Questions from Committee Members and Responses:** Rep. Gallus to Al Goke.

*{Tape : 2; Side : B; Approx. Time Counter : 5 - 6.1}*

Rep. Barnett to Col. Reap.

*{Tape : 2; Side : B; Approx. Time Counter : 6.1 - 8.4}*

Rep. Brainard to Col. Reap.

*{Tape : 2; Side : B; Approx. Time Counter : 8.4 - 9}*

Rep. Bookout-Reinicke to Col. Reap.

*{Tape : 2; Side : B; Approx. Time Counter : 9 - 9.5}*

Rep. Adams to Col. Reap.

*{Tape : 2; Side : B; Approx. Time Counter : 9.5 - 10.1}*

Rep. Barnett to Col. Reap.

*{Tape : 2; Side : B; Approx. Time Counter : 10.1 - 11.9}*

Rep. Brainard to Col. Reap.

*{Tape : 2; Side : B; Approx. Time Counter : 11.9 - 14.2}*

Rep. Smith to Col. Reap.

*{Tape : 2; Side : B; Approx. Time Counter : 14.2 - 14.6}*

Rep. Jore to Rep. Bob Clark.

*{Tape : 2; Side : B; Approx. Time Counter : 14.6 - 15.7}*

**Closing by Sponsor:** Rep. Bob Clark closed the Hearing on HB 329.

*{Tape : 2; Side : B; Approx. Time Counter : 15.7 - 19.3}*

Requested information on SB 133 given to Committee by Dave Galt, **EXHIBIT**(trh31a14), Brian Cavey, **EXHIBIT**(trh31a15), Col. Reap, **EXHIBIT**(trh31a16).

*{Tape : 2; Side : B; Approx. Time Counter : 20.6 - 27.6}*

**EXECUTIVE ACTION ON HB 259**

**Motion/Vote:** REP. CLARK moved that HB 259 BE TABLED. Motion carried unanimously. 18-0

***{Tape : 2; Side : B; Approx. Time Counter : 27.6 - 28.9}***

**EXECUTIVE ACTION ON HB 377**

**Motion/Vote:** REP. SOMERVILLE moved that HB 377 BE TABLED. Motion carried unanimously.

***{Tape : 2; Side : B; Approx. Time Counter : 28.9 - 30.1}***

**EXECUTIVE ACTION ON HB 323**

**Motion:** REP. BRAINARD moved that HB 323 DO PASS.

***{Tape : 2; Side : B; Approx. Time Counter : 30.1 - 31}***

**Discussion:** Reps. Brainard, Jore.

***{Tape : 2; Side : B; Approx. Time Counter : 31 - 32.3}***

**Motion:** REP. JORE moved that HB 323 BE AMENDED to strike the language of "and the Superintendent of Public Instruction".

***{Tape : 2; Side : B; Approx. Time Counter : 32.3 - 33.2}***

**Discussion:** Rep. Bookout-Reinicke, Leanne Kurtz.

***{Tape : 2; Side : B; Approx. Time Counter : 33.2 - 34.5}***

Rep. Jore withdrew his amendment.

***{Tape : 2; Side : B; Approx. Time Counter : 34.5 - 35.5}***

**Motion:** REP. BRAINARD moved that HB 323 BE AMENDED to strike the language "the Superintendent of Public Instruction" and the word "either".

***{Tape : 2; Side : B; Approx. Time Counter : 35.5 - 36}***

**Discussion:** Reps. Golie, Brainard, Anderson, Gallus, Paul Clark, Hedges, Leanne Kurtz.

***{Tape : 2; Side : B; Approx. Time Counter : 36 - 41}***

***{Tape : 3; Side : A; Approx. Time Counter : 0.1 - 5.0}***

Rep. Brainard withdrew his amendment.

***{Tape : 3; Side : A; Approx. Time Counter : 5.0 - 5.1 }***

**Discussion:** Reps. Beck, Bookout-Reinicke, Brainard, Juneau, Leanne Kurtz, Paul Clark, Hedges, Anderson, Matthews, Barnett. Jore.

***{Tape : 3; Side : A; Approx. Time Counter : 5.1 - 19.1}***

**Vote:** The DO PASS motion on HB 323 failed on a 9 - 9 tie vote.  
{Tape : 3; Side : A; Approx. Time Counter : 19.1 - 20.4}

**Motion/Vote:** REP. BRAINARD moved the Committee draft a Bill. .  
Motion carried unanimously 18-0.  
{Tape : 3; Side : A; Approx. Time Counter : 20.4 - 22.4}

**EXECUTIVE ACTION ON HB 352**

**Motion:** REP. BRAINARD moved that HB 352 DO PASS.  
{Tape : 3; Side : A; Approx. Time Counter : 22.4 - 23.6}

**Discussion:** Reps. Trexler, Brainard, Bob Clark, Paul Clark.  
{Tape : 3; Side : A; Approx. Time Counter : 23.6 - 30.1}

**Motion:** REP. PAUL CLARK moved that HB 352 BE AMENDED.  
{Tape : 3; Side : A; Approx. Time Counter : 30.1 - 30.6}

**Discussion:** Reps. Brainard, Paul Clark, Anderson, Hedges,  
Trexler, Leanne Kurtz, Beck.  
{Tape : 3; Side : A; Approx. Time Counter : 30.6 - 31}  
{Tape : 3; Side : B; Approx. Time Counter : 0.1 - 8}

Rep. Paul Clark withdrew his amendment.  
{Tape : 3; Side : B; Approx. Time Counter : 8 - 8.1}

**Motion/Vote:** REP. PAUL CLARK moved that HB 352 BE AMENDED to  
strike "right-of-way" and insert "nonexclusive". Motion carried  
17-1 with Rep. Anderson voting no.  
{Tape : 3; Side : B; Approx. Time Counter : 8.1 - 9.1}

**Motion:** REP. BRAINARD moved that HB 352 DO PASS AS AMENDED.  
{Tape : 3; Side : B; Approx. Time Counter : 9.1 - 9.3}

**Discussion:** Reps. Anderson, Hedges, Brainard.  
{Tape : 3; Side : B; Approx. Time Counter : 9.3 - 17.1}

**Substitute Motion/Vote:** REP. HANSON moved that HB 352 BE TABLED.  
Motion failed 7 - 11.  
{Tape : 3; Side : B; Approx. Time Counter : 17.1 - 18.4}

**Discussion:** Reps. Bookout-Reinicke, Beck, Trexler, Brainard,  
Golie, Smith, Paul Clark, Adams.  
{Tape : 3; Side : B; Approx. Time Counter : 18.4 - 23.1}

Vote: HB 352 DO PASS AS AMENDED motion carried 11 - 7 with  
Reps. Anderson, Barnett, Hanson, Juneau, Smith, Somerville and  
Trexler voting no.

*{Tape : 3; Side : B; Approx. Time Counter : 23.1 - 25.4}*



**ADJOURNMENT**

***Adjournment: 6:00 P.M.***

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***REP. SHIELL ANDERSON, Chairman***

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***MARY LOU SCHMITZ, Secretary***

***SA/MS***

***EXHIBIT*** (trh31aad)